

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ECF Case

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DONNA FEHN,

07 Civ. 8321 (WCC) (GAY)

Plaintiff,

- against -

GROUP LONG TERM DISABILITY PLAN FOR
EMPLOYEES OF JP MORGAN CHASE BANK,
JP MORGAN CHASE BANK, as Plan Administrator,
HARTFORD LIFE AND ACCIDENT INSURANCE
COMPANY, as Administrator/Fiduciary of the Plan,
KRISTA DUDECK, Individually, DANIEL BERTA,
Individually, KARA MORETT, Individually,
and DESMOND "Doe," Individually,

**AFFIDAVIT OF WILLIAM
D. FRUMKIN, ESQ. IN
SUPPORT OF
NOTICE OF MOTION TO
DISMISS AND FOR
LEAVE TO AMEND THE
COMPLAINT**

Defendants.
----- x

STATE OF NEW YORK)
COUNTY OF WESTCHESTER)ss.:

WILLIAM D. FRUMKIN, being duly sworn, deposes and says:

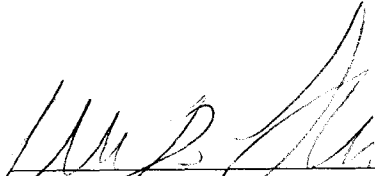
1. I am a partner with the law firm of Sapir & Frumkin, LLP, attorneys for plaintiff in the above-captioned matter. I make this Affidavit based upon the facts and circumstances had herein.

2. Annexed hereto as Exhibit "1" is a true and accurate copy of the Complaint in this action, filed on September 24, 2007.

3. Annexed hereto as Exhibit "2" is a true and accurate copy of the Answer to Complaint With Jury Demand on Behalf of Defendants JPMorgan Chase Long-Term Disability Plan, JPMorgan

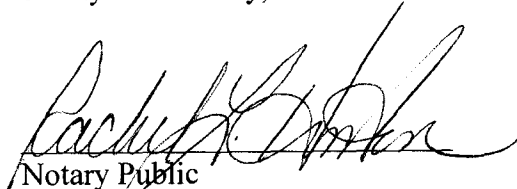
Chase Bank, N.A., as Plan Administrator, Krista Dudek, Individually, Daniel Berta, Individually,
and Kara Morett, Individually, filed on or about January 4, 2008.

Dated: White Plains, New York
February 6, 2008



William D. Frumkin

Sworn before me this
6th day of February, 2008



Notary Public

RACHEL L. HORTON
NOTARY PUBLIC, State Of New York
No. 01H06095205
Qualified In Dutchess County
Commission Expires July 7, 2011

F:\APPLICAT\WP\Fehn\Litigation\Motion to Dismiss.Frumkin Aff.wpd\rlh

CERTIFICATE OF SERVICE

I hereby certify that I am not a party to this action and am over 18 years of age. I further certify that on February 6, 2008, a copy of AFFIDAVIT OF WILLIAM D. FRUMKIN, ESQ. IN SUPPORT OF NOTICE OF MOTION TO DISMISS AND FOR LEAVE TO AMEND THE COMPLAINT was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt including:

Stacey L. Blecher, Esq.
One Chase Manhattan Plaza, 26th Floor
New York, New York 10081
Attorneys for JPMorgan Chase Defendants

Michael H. Bernstein
Sedgwick, Detert, Moran & Arnold LLP
125 Broad Street
New York, New York 10004-2400
Attorneys for Defendant Hartford Life and Accident Insurance Company

Parties may access this filing through the Court's electronic filing system

/s/ Rachel L. Horton

Rachel L. Horton